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U.S. BANKRUPTCY COURT  
MARY A. SCHOTT, CLERK

ANTHONY THOMAS  
WENDI THOMAS  
7725 Peavine Peak Court  
Reno, Nevada 89523  
(408) 640-2795  
Email: [ATEmerald2@gmail.com](mailto:ATEmerald2@gmail.com)

Debtors and Defendants In Pro Per

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

In re:

ANTHONY THOMAS and WENDI  
THOMAS,

AT EMERALD, LLC,

Debtors.

KENMARK VENTURES, LLC,

Plaintiff,

vs.

ANTHONY THOMAS and WENDI  
THOMAS,

Defendants.

Case No.: BK-N-14-50333-BTB

Case No.: BK-N-14-50331-BTB

CHAPTER 7

[Jointly Administered]

Adv. Pro. No. 14-5022

NOTICE OF APPEAL FROM  
NONDISCHARGEABLE JUDGMENT  
AFTER TRIAL

NOTICE IS HEREBY GIVEN that ANTHONY THOMAS and WENDI THOMAS,  
Debtors and Defendants in the above-entitled proceedings, appeal from the Nondischargeable  
Judgment after Trial entered by the United States Bankruptcy Court for the District of Nevada on  
February 19, 2016 (hereinafter "Judgment"). A true and correct copy of the Judgment is  
attached hereto as **Exhibit "A"**.

\$298  
#95223

The interested parties to the Judgment appealed from and the names, addresses, and telephone numbers of their attorneys are as follows:

1. Debtors and Defendants **Anthony Thomas and Wendi Thomas**.  
The **Thomases** are representing themselves in connection with this appeal. They were represented through trial by the following attorney:

Jeffrey A. Cogan, Esq. [Trial Counsel for Debtors and Defendants]  
Jeffrey A. Cogan, Esq., Ltd.  
6900 Westcliff Drive, Suite 602  
Las Vegas, NV 89145  
Telephone: (702) 474-4220 – Email: [jeffrey@jeffreycogan.com](mailto:jeffrey@jeffreycogan.com)

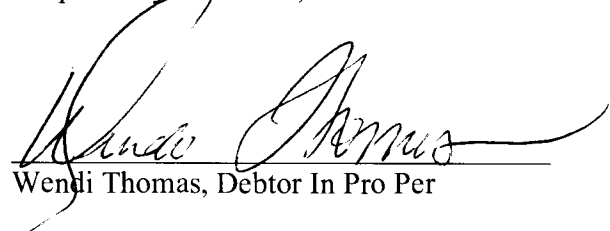
2. Plaintiff **KENMARK VENTURES, LLC**

Wayne A. Silver, Esq. [Counsel for Plaintiff Kenmark Ventures, LLC]  
333 West El Camino Real, Suite 310  
Sunnyvale, CA 94807  
Telephone: (408) 720 7007 – Email: [W\\_Silver@Sbcglobal.net](mailto:W_Silver@Sbcglobal.net)

Amy N. Tirre, Esq. [Counsel for Plaintiff Kenmark Ventures, LLC]  
Law Offices of Amy N. Tirre  
3715 Lakeside Drive, Suite A  
Reno, NV 89509  
Telephone: (775) 828-0909 – Email: [amy@amytirrelaw.com](mailto:amy@amytirrelaw.com)

Dated: March 4, 2016

Respectfully submitted,



Wendi Thomas, Debtor In Pro Per

**PROOF OF SERVICE BY MAIL AND ELECTRONIC TRANSMISSION**

I am employed in Santa Clara County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 1110 North First Street, San Jose, California, 95112. I am readily familiar with processing correspondence and documents for mailing with the United States Postal Service. On **March 4, 2016** I placed a true and correct copy of the **NOTICE OF APPEAL FROM NONDISCHARGEABLE JUDGMENT AFTER TRIAL** in a sealed envelope, postage fully paid, addressed as follows, and deposited the same with the United States Postal Service:

Wayne A. Silver, Esq. [Counsel for Plaintiff Kenmark Ventures, LLC]  
333 West El Camino Real, Suite 310  
Sunnyvale, CA 94807  
Email: [W\\_Silver@Sbcglobal.net](mailto:W_Silver@Sbcglobal.net)

Amy N. Tirre, Esq. [Counsel for Plaintiff Kenmark Ventures, LLC]  
Law Offices of Amy N. Tirre  
3715 Lakeside Drive, Suite A  
Reno, NV 89509  
Email: [amy@amytirrelaw.com](mailto:amy@amytirrelaw.com)

Jeffrey A. Cogan, Esq. [Trial Counsel for Debtors and Defendants]  
Jeffrey A. Cogan, Esq., Ltd.  
6900 Westcliff Drive, Suite 602  
Las Vegas, NV 89145  
Email: [jeffrey@jeffreycogan.com](mailto:jeffrey@jeffreycogan.com)

United States Trustee, Region 17  
300 Booth Street, Room 3009  
Reno, NV 89509  
Email: [USTPRegion17.RE.ECF@usdoj.gov](mailto:USTPRegion17.RE.ECF@usdoj.gov)

In addition to mailing, on **March 4, 2016** I served a true and correct copy of the **NOTICE OF APPEAL** on each of the above-named recipients by electronic transmission (email) at the email address listed for each recipient. No error was reported regarding the electronic transmission.

1 I declare under penalty of perjury under the laws of the United States of America that the  
2 foregoing is true and correct and that this declaration is executed this 4<sup>th</sup> day of March 2016.  
3

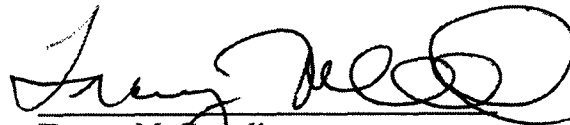
4   
5 Tracey McCarroll  
6

Exhibit “A”

Bruce T. Beesley

Honorable Bruce T. Beesley  
United States Bankruptcy Judge



Entered on Docket  
February 19, 2016

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San Jose, CA 95113  
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Attorneys for Plaintiff,  
KENMARK VENTURES, LLC

**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF NEVADA**

In re:  
ANTHONY THOMAS and WENDI  
THOMAS,  
AT EMERALD, LLC,  
Debtors.  
KENMARK VENTURES, LLC  
Plaintiff,  
v.  
ANTHONY THOMAS and WENDI  
THOMAS,  
Defendants.

Case No. BK-N-14-50333-BTB  
Case No. BK-N-14-50331-BTB

Chapter 7

[Jointly Administered]

Adv. Pro. No. 14-5022

**NONDISCHARGEABLE JUDGMENT  
AFTER TRIAL**

Nondischargeable Judgment After Trial

1 This Adversary Proceeding came on regularly for bench trial in the above-entitled Court, the  
2 Hon. Bruce T. Beesley, U.S. Bankruptcy Judge, presiding. Plaintiff KENMARK VENTURES, LLC  
3 and Defendants ANTHONY THOMAS and WENDI THOMAS appeared and were represented by  
4 their respective attorneys of record. The Court having heard and considered the evidence, the matter  
5 having been argued and submitted for decision, the Court having issued its proposed findings of fact  
6 and conclusions of law on the record, good cause appearing, IT IS HEREBY ORDERED,  
7 ADJUDGED AND DECREED that:

8 1. The Judgment in Santa Clara Superior Court Case No. 108CV130677 (a copy of  
9 which is attached hereto without Exhibits and of which the Court has taken judicial notice) in favor  
10 KENMARK VENTURES, LLC against Defendant ANTHONY THOMAS in the amount of Four  
11 Million Five Hundred Thousand Dollars (\$4,500,000.00) plus interest at the rate of ten percent  
12 (10%) per annum from October 8, 2015, IS HEREBY DECLARED NONDISCHARGEABLE under  
13 11 U.S.C. §523(a)(2).

14 2. KENMARK VENTURES, LLC is hereby awarded costs and attorneys' fees in an  
15 amount to be established by post-trial motion.

16 Submitted by:

17 /s/ Wayne A. Silver

18 Attorney for Plaintiff,  
19 KENMARK VENTURES, LLC

20 **APPROVED/DISAPPROVED**

21 /s/ Jeffrey Cogan

22 Jeffrey Cogan, Esq., attorney for  
23 Defendants ANTHONY THOMAS  
24 And WENDI THOMAS

25 **RULE 9021 CERTIFICATION**

26 In accordance with Local Rule 9021, counsel submitting this document certifies as follows  
(check one):

27 ☐ The court has waived the requirement set forth in LR 9021(b)(1).

28 ☐ No party appeared at the hearing or filed an objection to the motion.

Nondischargeable Judgment After Trial

- Jeffrey Cogan, attorney for Defendant ANTHONY THOMAS and WENDI THOMAS – Approved.

\*\*\*



1 DAVID I. KORNBLUH, ESQ., SBN 162310  
2 J. CARLOS ORELLANA, ESQ., SBN 233403  
3 MILLER, MORTON, CAILLAT & NEVIS, LLP  
4 25 Metro Drive, 7<sup>th</sup> Floor  
5 San Jose, California 95110  
6 Telephone: (408) 292-1765  
7 Facsimile: (408) 436-8272

8 Attorneys for Plaintiff KENMARK VENTURES, LLC,  
9 a California Limited Liability Company

ENDORSED  
FILED

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C. Page  
Dated: \_\_\_\_\_  
By: \_\_\_\_\_  
Clerk of Court

10  
11 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
12 FOR THE COUNTY OF SANTA CLARA

13 KENMARK VENTURES, LLC, a California ) Case No.: 108CV130677  
14 limited liability company, )  
15 )  
16 Plaintiff, ) STIPULATION FOR JUDGMENT AND  
17 vs. ) ~~[PROPOSED]~~ JUDGMENT  
18 )  
19 TONY THOMAS, an individual; )  
20 ELECTRONIC PLASTICS, LLC, a Delaware )  
21 limited liability company; MICHAEL )  
22 GARDINER, an individual; and DOES 1 )  
23 through 100, inclusive, )  
24 Defendants. )

BY PDF

25 AND RELATED CROSS-COMPLAINT

26 RECITALS

27 WHEREAS, on or about December 19, 2008 Plaintiff Kenmark Ventures, LLC  
28 ("Kenmark") filed suit against Defendants Anthony Thomas, Electronic Plastics, LLC, and  
Michael Gardner;

WHEREAS, on or about March 20, 2009, Defendant filed its First Amended Complaint  
against Defendants Anthony Thomas, Electronic Plastics, LLC, and Michael Gardner alleging,

MILLER, MORTON, CAILLAT & NEVIS, LLP  
25 Metro Drive, 7<sup>th</sup> Floor  
San Jose, CA 95110  
Telephone: (408) 292-1765

1 *inter alia*, causes of action for fraud on the alleged basis that Defendant Anthony Thomas as the  
2 sole member of AT Emerald, LLC, and Defendant Michael Gardiner defrauded Kenmark into  
3 loaning \$6,110,000.00 to Anthony Thomas and Electronic Plastics, LLC based on written  
4 misrepresentations and concealments;

5 WHEREAS, on or about October 5, 2011, the parties reached a settlement of this action  
6 which they stated on the record before the Court (the "Settlement");

7 WHEREAS, a true and correct copy of the transcript of the hearing at which the  
8 Settlement was entered into the record is attached hereto as Exhibit "A";

9 WHEREAS, the Settlement, among other things, required Defendants Thomas and  
10 Gardner, jointly and severally to pay Kenmark a total of \$5,000,000 in installments of \$500,000  
11 on January 1, 2013, \$500,000 on January 1, 2014, \$1,000,000 on January 1, 2015, \$1,000,000 on  
12 January 1, 2016, and \$1,000,000 on January 1, 2017, with a five-day grace period for each  
13 payment;

14 WHEREAS, Defendants Thomas and Gardner made their first payment under the  
15 Settlement but have not made any further payments within the time specified in the Settlement;

16 WHEREAS, the Settlement provides that upon the failure of Defendants Thomas and  
17 Gardner to pay any settlement payment, Kenmark may obtain entry of judgment against

18 Defendants Thomas and Gardner, jointly and severally, on Kenmark's Fourth Cause of Action  
19 for Fraud and Fifth Cause of Action for Fraud;

20 WHEREAS, Defendant Thomas has promised to pay \$575,000 toward the stipulated  
21 settlement amount on or before January 30, 2014; and

22 WHEREAS, Defendant Thomas's legal name is Anthony as reflected in the transcript of  
23 the October 5, 2011 hearing before this Court that is attached hereto as Exhibit "A".

24 IT IS HEREBY STIPULATED by the parties hereto as follows:

25 1. If payment of \$550,000 is not received by Kenmark on or before January 30,  
26 2014, judgment shall hereby be entered in favor of Plaintiff Kenmark Ventures, LLC against  
27 Defendants Anthony Thomas jointly and severally with Defendant Michael Gardner, on  
28 Kenmark's Fourth Cause of Action for Fraud and Fifth Cause of Action for Fraud in the

principal sum of \$4,500,000 (four million, five hundred thousand dollars) together with interest on the judgment thereafter at the rate of 10% per annum, as provided by law.

2. The Clerk of the Court is authorized to enter judgment against Defendant Thomas in his correct legal name of Anthony Thomas rather than Tony Thomas.

3. Defendant Thomas authorizes Kenmark to file this Stipulation and to obtain entry of judgment on an *ex parte* basis.

4. This Stipulation is entered into freely and voluntarily. The parties to this stipulation acknowledge that they have been represented by counsel of their choice, or had the option to be represented by counsel of their choice, in the negotiations that preceded the execution of this Stipulation and in connection with the preparation and execution of this Stipulation. Each party hereto has executed this Stipulation with full knowledge of its significance and with the express intention of affecting its legal consequence. None of the parties hereto have relied upon any representation of any other party in signing this Stipulation.

5. This Stipulation may be executed in counterparts and executed facsimiles or PDF files thereof may be used in lieu of the original for all purposes.

Dated: January 27, 2014

1271  
KENMARK VENTURES, LLC, Plaintiff

By: Kenneth Tersini  
Its: Managing Member

Dated: January 9, 2014

Tony Thomas  
ANTHONY THOMAS, Defendant

397666\_1

MILLER, MORTON, CAILLAT & NEVIS, LLP  
25 Metro Drive, 7<sup>th</sup> Floor  
San Jose, CA 95110  
Telephone: (408) 282-1786

STIPULATION FOR JUDGMENT

**JUDGMENT BY STIPULATION**

The Court, having considered the Stipulation of Plaintiff Kenmark Ventures, LLC and Defendant Anthony Thomas, and good cause appearing therefor,

**HEREBY ENTERS JUDGMENT** in favor of Plaintiff Kenmark Ventures, LLC against Defendant Anthony Thomas, jointly and severally, on Kenmark Ventures, LLC's Fourth Cause of Action for Fraud and Fifth Cause of Action for Fraud in the principal sum of \$4,500,000 (four million, five hundred thousand dollars). This judgment shall accrue interest at the rate of ten percent (10%) per year from the date of entry of this judgment.

The Clerk of the Court is authorized to enter judgment against Defendant Thomas in his correct legal name of Anthony Thomas rather than Tony Thomas.

Dated: CCT 08 2015

**WILLIAM J. ELFVING**

JUDGE OF THE SUPERIOR COURT

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